Circuit Court for Prince George's County
Case No. CAL15-18260

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 2141

September Term, 2016

JENNIFER OGUNDE

v.

SHERRY JOHNSON, *et al.*

Berger,
Arthur,
Friedman,

JJ.

Opinion by Friedman, J.
Dissenting Opinion by Arthur, J.

Filed: January 8, 2019

In May 2014, Jennifer Ogunde was attacked by a 70-pound female American Bulldog named Sage, causing Ogunde to fall and injure her knee. The details of the incident are undisputed: Ogunde had been on a walk with a 10-year-old boy and his dog, a miniature Pinscher named Ginger. As they were walking, Sage came out of a garage apartment attached to one of the houses along the route. Sage raced across the front yard barking at the trio. Ogunde, frightened and trying to protect her companions, picked up Ginger, tripped on her leash, and fell. After Ogunde had fallen to the ground, Sage jumped at Ginger while she was still in Ogunde's arms. Sage was quickly pulled away by Adam Gordon, her caretaker, who had pursued her out the door and across the yard. The fall broke Ogunde's left patella, which required surgery and physical therapy.

The question of who was responsible for Sage, and thus who might be liable for the injuries she caused, was less straightforward. Sage was owned by Lisa Maioriello. At the time of the attack, however, Sage was not living with Maioriello but was instead living with and being cared for by Gordon. The attack took place in front of Gordon's garage apartment, which he rented from homeowner and landlord Sherry Johnson. Ogunde brought suit against all three: Lisa Maioriello as Sage's owner; Adam Gordon as Sage's caretaker and constructive owner; and Sherry Johnson as an allegedly negligent landlord. A Prince George's County jury found all three defendants jointly and severally liable and awarded Ogunde monetary damages.

Following the jury's verdict, Johnson and Maioriello each filed motions for judgment notwithstanding the verdict ("JNOV"). Johnson's JNOV motion argued that the evidence against her was insufficient to show that she had knowledge that Gordon was

keeping Sage on the property, and as a result could not have been negligent. Maioriello's JNOV motion argued that the trial court erred by not instructing the jury on the issue of contributory negligence. After a hearing, the trial court granted Johnson's JNOV motion and reversed the finding of liability against her. The trial court denied Maioriello's JNOV motion.

Both Ogunde and Maioriello now appeal. Ogunde challenges that the trial court erred in granting JNOV in favor of Johnson and asks that the jury's verdict be reinstated. In the alternative, Ogunde argues that the trial court erred in denying her a jury instruction on the theory of premises liability and, as a result, that the matter should be returned for a new trial. Maioriello argues that the evidence clearly established that Ogunde was contributorily negligent for her injuries. She challenges that the trial court erred both by denying her requested jury instruction on that theory, and then by denying her JNOV motion on the same grounds. We first address Ogunde's arguments regarding Johnson's liability as a landlord, and then move on to Maioriello's theory of contributory negligence. For the reasons that follow, we affirm the rulings of the trial court.

DISCUSSION

I. LANDLORD LIABILITY

Ogunde asserts that the trial court erred in granting Johnson's JNOV because there was enough evidence for the jury to have found Johnson, the landlord, liable under either of two theories: that under common law, Johnson was negligent because she had knowledge or notice of the presence of a dangerous animal, or in the alternative, that under the Prince George's County Code she could be strictly liable as Sage's "owner." *See*

PRINCE GEORGE'S COUNTY CODE ("PGCC") § 3-135(c). We are not persuaded by either argument.

A. Judgment Notwithstanding the Verdict

We review a trial court's decision to grant or deny a JNOV motion without deference to determine if it was legally correct. *Scapa Dryer Fabrics, Inc. v. Saville*, 418 Md. 496, 503 (2011); *Blue Ink, Ltd. v. Two Farms, Inc.*, 218 Md. App. 77, 92 (2014). We review the evidence and make all reasonable inferences in the light most favorable to the non-moving party. *Saville*, 418 Md. at 503. A JNOV motion is properly granted if the facts and circumstances permit only one inference on the issue presented. *Id*. But if the record shows any evidence, no matter how slight, about which reasonable minds can differ, then the issue was properly submitted to the jury and the JNOV motion should have been denied. *Blue Ink, Ltd.*, 218 Md. App. at 92.

1. Knowledge and Notice

Whether Johnson, the landlord, should be liable in negligence for the injuries caused by Sage is controlled by the Maryland common law:[1]

> the plaintiff must prove: (1) that the defendant was under a duty to protect the plaintiff from injury, (2) that the defendant breached the duty, (3) that the plaintiff suffered actual injury or loss, and (4) that the loss or injury proximately resulted from the defendant's breach of the duty.

[1] Although there have been significant changes in the law governing liability for dog attacks, *see Tracey v. Solesky*, 427 Md. 627 (2012) *superseded by statute*, MD. CODE, CTS. & JUD. PROC. § 3-1901(b), the common law governs here.

Shields v. Wagman, 350 Md. 666, 672 (1998) (cleaned up). Whether a landlord has a duty to protect a plaintiff depends, in turn, on three circumstances:

> (1) [whether] the landlord controlled the dangerous or defective condition;
>
> (2) [whether] the landlord had knowledge or should have had knowledge of the injury causing condition; and
>
> (3) [whether] the harm suffered was a foreseeable result of that condition.

Ward v. Hartley, 168 Md. App. 209, 214-15 (2006) (quoting *Hemmings v. Pelham Wood Ltd.*, 375 Md. 522, 537–38 (2003)). Thus, in this case, to establish that Johnson had a duty to protect Ogunde from Sage, Ogunde had to present evidence showing: (1) that Johnson had control over Sage's presence on the property; (2) that Johnson was aware of Sage's presence on the property; and (3) that Johnson was aware that Sage had vicious propensities. *See Matthews v. Amberwood Assocs. Ltd. P'ship*, 351 Md. 544, 560 (1998). "[T]o survive a motion for judgment (and JNOV), a plaintiff has the burden of producing sufficient evidence to send the case to a jury for a resolution of fact." *Giant Food, Inc. v. Booker*, 152 Md. App. 166, 176 (2003). Moreover, while inferences may be based on circumstantial evidence, they "must be based on reasonable probability, rather than speculation, surmise, or conjecture." *Ward*, 168 Md. at 218 (citing *Chesapeake & Potomac Tel. Co. of Md. v. Hicks*, 25 Md. App. 503, 524 (1975)). Thus, for us to conclude that the trial court erred in granting Johnson's JNOV motion, the record must show that Ogunde produced sufficient evidence to create a jury question as to each of these elements. The trial court concluded that she had not, and for the reasons that follow, we agree.

As to the first element, the trial court found, and we agree, that Johnson had the power to control Sage's presence at the property. The lease between Johnson and Gordon prohibited Gordon from keeping pets in the garage apartment.[2] Maryland caselaw is clear that the power to evict a dog and its owner is sufficient evidence of control to satisfy this first element. *Matthews*, 351 Md. at 564-65 (citing *Shields v. Wagman*, 350 Md. 666, 664-65 (1998)) (noting that a landlord can be considered to have control over a dangerous condition where he or she can "abate the danger by not keeping the dog owner as a tenant"); *Ward*, 168 Md. App. at 217 (noting that where a lease does not prohibit the keeping of pets, the landlord has not retained control over that portion of the premises and has no duty to inspect). Thus, Ogunde presented sufficient evidence to establish the first element—that Johnson had control over Sage's presence on the property.

As to the second element—Johnson's awareness of Sage's presence on the property—Ogunde failed to produce sufficient evidence to generate a jury question. Ogunde did not present any direct evidence that Johnson was aware of Sage's presence. To the contrary, Gordon testified that he never told Johnson that Sage was staying with him. Similarly, Johnson testified that Gordon never told her that Sage was staying with him. Johnson further testified that she was not aware of Sage's presence until after the incident with Ogunde. Ogunde argues, however, that the jury could have chosen to disbelieve those denials and instead make inferences from circumstantial evidence that Johnson must have

[2] The lease had made a specific exception to allow Gordon's girlfriend to keep one specific dog in the garage apartment, a small Pomeranian. The girlfriend and the Pomeranian had both moved out before the incident with Sage.

known that Sage was living in the garage apartment. Specifically, Ogunde points out the well-known realities that dogs must be taken outside for walks and that they bark. She argues, therefore, that it would be reasonable for the jury to have inferred that Sage, being a large dog, would have been too conspicuous to go unnoticed outside and would have barked loudly enough for Johnson to hear.

The testimony at trial established that the garage apartment was connected to the main house through the laundry room, but that the connecting door was kept locked. Gordon used a separate entrance next to the driveway that was usually obscured from Johnson's view by the boat and two cars that were parked there. Gordon testified that he took Sage out for walks twice a day, but he never took her into the backyard, which was enclosed by a tall wooden fence with a locked gate and could only be accessed with Johnson's permission. Instead, he walked Sage in some nearby woods. Johnson testified that from inside the house, there was no way for her to see the path between the garage apartment and the woods and that therefore she could not have seen Gordon taking Sage outside. Johnson also testified that even if Sage had been in the front yard on occasion, she could only see the front yard if she was standing at the kitchen sink. She also stated that there were enough neighborhood dogs around that if she found "evidence" left in the front yard or if she heard barking, it would not have made her suspicious. Johnson acknowledged that she did occasionally hear barking from the front yard, but that it was from neighborhood dogs or visitors who had brought a dog with them. Johnson also stated that she never heard any barking or anything suspicious coming from inside the garage

apartment during the time that Sage was there.[3] For his part, when Gordon was asked if Sage barked, he responded "I'm sure she did. She's a dog." He specified, however, that she didn't bark at him and he couldn't remember if she would ever bark at other passing dogs.

Ogunde's arguments are not inferences drawn from the specific evidence presented at trial about Sage. Rather, her arguments are based on theories based in turn on stereotypical characteristics of dogs. The jury was not obligated to credit the testimony of Gordon or Johnson, but the "jury's prerogative not to believe certain testimony…does not constitute affirmative evidence of the contrary." *VF Corp. v. Wrexham Aviation Corp.*, 350 Md. 693, 711 (1998). Inferences based on circumstantial evidence must rise above mere speculation. *Ward*, 168 Md. at 218. Even if the jury chose to disregard the offered testimony, a lack of evidence cannot be filled in with unsupported assumptions and generalizations. We conclude that, even viewed in the light most favorable to Ogunde, the evidence presented was not sufficient to demonstrate—directly or inferentially—that Johnson knew Sage was staying in the garage apartment. Thus, Ogunde failed to generate a jury question as to the second element—knowledge of Sage's presence on the property.

Finally, as to the third element—Johnson's awareness that Sage had vicious propensities—there was no evidence at all from which to generate a jury question. Ogunde presented evidence concerning two other incidents in which Sage required veterinary treatment after getting into a fight with another dog. Even if these incidents would have shown Sage had vicious propensities (a proposition that we find hard to swallow), there

[3] Johnson testified that the Pomeranian listed in the lease had been a "yippy" dog and she could hear it when it was in the apartment's bathroom.

was no evidence that Johnson knew about either incident. Thus, Ogunde failed to generate a jury question with respect to the third element—that Johnson knew that Sage had vicious propensities.

To have proven her case against Johnson, Ogunde had to present sufficient evidence to generate a jury question as to each of the three elements: control, knowledge of presence, and awareness of vicious propensity. Because Ogunde failed to present any evidence in support of the second or third elements, the trial court did not err in granting Johnson a JNOV and we affirm.

2. Ownership under the Prince George's County Code

Alternatively, Ogunde argues that Johnson could have been held strictly liable—that is liable simply because Ogunde was injured, without regard to fault—because Johnson was Sage's statutory owner under the Prince George's County Code. The relevant section of the Code is clear: "[t]he owner of any animal running at large shall be held strictly liable" for injuries caused by that animal. PGCC § 3-135(c). The question, however, is whether Johnson can be considered an "owner" of Sage. Recognizing that Johnson is not an "owner" of Sage in any traditional sense, Ogunde focused the court's attention on one specific definition of "owner" as a person who "[k]eeps or harbors an animal." PGCC § 3-101(a)(57)(B).[4] Ogunde argues that Johnson as the owner of the house and the garage

[4] The relevant provision defines an animal's "owner" as any person who:

(A) Has a right of property in an animal;

(B) Keeps or harbors an animal;

(C) Has an animal in his or her care;

apartment was "harbor[ing]" Sage on the property. The trial court rejected this interpretation and so do we.

Local ordinances, such as the Prince George's County Code, "are interpreted under the same canons of construction that apply to the interpretation of [state] statutes." *Kane v. Bd. of Appeals of Prince George's County*, 390 Md. 145, 161 (2005) (quoting *O'Connor v. Balt. County*, 382 Md. 102, 113 (2004)). The interpretation of this ordinance is therefore a question of law that we review without deference. *Merchant v. State*, 448 Md. 75, 94 (2016). Our goal is to identify and carry out the intentions of the legislative body. *Kane*, 390 Md. at 161. If the commonly understood meaning of the words renders the statute clear and unambiguous, we apply it as written. *Merchant*, 448 Md. at 94-95; *Blue v. Prince George's County*, 434 Md. 681, 689 (2013); *Kane*, 390 Md. at 161.

Ogunde's argument turns on the meaning of the term "harbor." For her to prevail, an individual must be able to "harbor" something that they didn't know was there. We are persuaded that the County Code itself provides the refutation to Ogunde's argument. It defines the term "harboring an animal" as "the act of, or the permitting or sufferance by, an owner or occupant of real property either of feeding or sheltering any domesticated animal on the premises of the occupant or owner thereof." PGCC § 3-101(a)(50). Absent proof that Johnson knew that Sage was living on the property, we see no way that Johnson

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(D) Acts as a temporary or permanent custodian of an animal;

(E) Exercises control over a particular animal on a regular basis

PGCC § 3-101(a)(57).

could be found to have "permitted" or "suffered" her to be on the property.[5] We also see no indication in the language of the ordinance nor in its legislative history to support the idea that the County Council, by use of the word "harbor" intended to transform every landlord into an animal's owner and to bear liability for the injuries it causes.

We conclude that the trial court's determination that Johnson did not harbor Sage and thus was not her owner, to have been legally correct. We affirm on this ground, too.

B. Jury Instruction on Premises Liability

Ogunde's final argument is that the trial court erred in denying her requested instruction on premises liability. Ogunde asserts that as another alternate theory of liability, the jury could have found Johnson liable for the attack because Sage got loose due to a broken door latch on the garage apartment, which, as the landlord, Johnson had a duty to maintain or repair. The proposed instruction was based on Gordon's testimony that the doorknob to the garage apartment was loose and that he had to pull up on the door to move the latch into place. Gordon described that Sage had gotten out because he failed to make sure that the door latch had clicked into place and Sage was able to push the door open. The trial court declined to issue the instruction, finding that it was not supported by the evidence presented.

[5] Common dictionary definitions of the term "harbor" also support our conclusion that it includes a requirement of knowledge and voluntary intent. *See* MERRIAM-WEBSTER'S COLLEGIATE DICTIONARY (11th ed. 2014) ("[T]o give shelter or refuge to"); NEW OXFORD AMERICAN DICTIONARY (3d ed. 2010) ("[To] give home or shelter to"); WEBSTER'S NEW UNIVERSAL UNABRIDGED DICTIONARY (2003) ("[T]o give shelter to; offer refuge to").

The trial court is responsible for ensuring that the instructions given to the jury include the theories being argued by the parties and the appropriate legal principles raised by the evidence. *Collins v. Nat'l R.R. Passenger Corp.*, 417 Md. 217, 228 (2010). How to instruct the jury is a matter within the sound discretion of the trial court, and we will not second guess a trial court's decision to deny a proposed jury instruction absent a clear abuse of that discretion. *Collins*, 417 Md. at 229. To determine if the trial court erred in denying a proposed jury instruction, we review three areas: *first*, whether the requested instruction was a correct explanation of the law; *second*, whether that law was applicable to the evidence before the jury; and *third*, whether the substance of the instruction was covered elsewhere in the instructions that were given. *Collins*, 417 Md. at 229.

The trial court's denial of the proposed instruction was based on the second element of the *Collins* analysis: that the law was inapplicable to the evidence before the jury. To establish a landlord's duty to repair a defective condition on the premises, a plaintiff must establish the same elements needed to show negligence: control of the condition, knowledge of the condition, and a reasonable foreseeability of the harm. *Hemmings*, 375 Md. at 541. Thus, for the instruction to have been appropriate, Ogunde needed to present evidence that Johnson knew or should have known about the loose doorknob. Gordon testified that the doorknob was fine when he moved in and that he never notified Johnson that it needed to be fixed. Because of that unrebutted testimony, we must conclude that the trial court did not abuse its discretion in determining that the legal theory was not applicable to the facts in evidence, and in thus declining to issue the proposed instruction.

II. CONTRIBUTORY NEGLIGENCE

In her cross-appeal, Maioriello, Sage's owner, argues that the uncontroverted evidence showed that Ogunde was contributorily negligent and the trial court therefore erred in denying her request for a jury instruction and subsequent JNOV motion on that issue. Specifically, Maioriello argues that Ogunde failed to exercise reasonable care to protect her own safety by instead trying to protect Ginger and "turning in circles" in her efforts to do so. Thus, Maioriello asserts, it was Ogunde's own fault that she got entangled in the dog leash and fell. The trial court disagreed and so do we.

In Maryland, contributory negligence means that a plaintiff failed to exercise ordinary care for his or her own safety. *Faith v. Keefer*, 127 Md. App. 706, 745 (1999). Contributory negligence is evaluated under an objective standard that asks whether, under the circumstances presented, the plaintiff failed to behave as a reasonable person of ordinary prudence would have behaved. *Poole v. Coakley & Williams Constr., Inc.*, 423 Md. 91, 112 (2011); *Faith*, 127 Md. at 745-56. Contributory negligence bars recovery because the plaintiff's own negligent behavior caused or contributed to the injuries. *Poole*, 423 Md. at 111-12. For either the requested jury instruction or JNOV motion to have been appropriate, there must have been evidence that Ogunde did not use reasonable care.

We are not persuaded by Maioriello's argument that because Ogunde fell without being physically pushed, her injuries must have been due to her own negligent behavior. For that to be the case, we would have to agree that a reasonable person of ordinary prudence would have done nothing to prevent a large dog from attacking a family pet, or that a reasonable person being charged by a large dog would not allow themselves to fall

down. The rule that Maioriello advocates would be that when faced with tortious conduct, the victim must act first in defense of self and then (and only then) in defense of others, or else be liable for contributory negligence as a matter of law. That is not the law of Maryland, nor should it be. Ogunde was frightened and trying to protect a child and a small dog. There was no evidence that we can discern from the trial transcript suggesting that Ogunde acted without reasonable care. Given the lack of any evidence supporting Maioriello's theory of contributory negligence, we conclude that was no error in the trial court's denial of Maioriello's requested jury instruction and JNOV motion.

JUDGMENT OF THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY AFFIRMED. COSTS TO BE PAID ONE-HALF BY APPELLANT OGUNDE AND ONE-HALF BY CROSS-APPELLANT MAIORIELLO.

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From Ms. Johnson's perspective, Sage is evidently like the dog in the Sherlock Holmes story – the one that didn't bark. *See* Arthur Conan Doyle, *The Adventure of Silver Blaze* (contained in *The Memoirs of Sherlock Holmes*) (1894). But Sage is not a "barkless" dog, like a Basenji. *See* https://www.akc.org/dog-breeds/basenji/ (last viewed January 4, 2019).[6] Rather, Sage is a 70-pound American Bulldog, and apparently a rather belligerent one at that. Adam Gordon, one of the dog's owners, called her "ferocious." In view of her pattern of conduct, some might call her vicious.

I mention Sage's size and disposition because I disagree with the majority's conclusion that there was no evidence from which the jury could conclude that Ms. Johnson, the landlord, knew that her tenant, Mr. Gordon, was sheltering and feeding a dog in the garage apartment. In other words, I disagree that there was no evidence that Ms. Johnson was "harbor[ing]" the dog, within the meaning of the Prince George's County Code, and thus that she was strictly liable for any injuries that the animal inflicted.

Viewed properly, in the light most favorable to Ms. Ogunde, with all reasonable inferences drawn in her favor,[7] here are the relevant facts:

Sage lived with Mr. Gordon in Ms. Johnson's garage for as much as a month a half. The garage abuts the laundry room, which is presumably where Ms. Johnson would wash and dry her clothes; and it is literally under the same roof as the rest of the small

[6] Even though Basenjis don't bark, they do make noise by yodeling or howling. *See* https://www.youtube.com/watch?v=BWBnixlq6U0 (last viewed January 4, 2019).

[7] *See Scapa Dryer Fabrics, Inc. v. Saville*, 418 Md. 496, 503 (2011).

ranch house. ("It's all one house," Mr. Gordon said.) The walls of the garage are made of cinderblock, and Ms. Johnson admitted that she could sometimes hear Mr. Gordon and his friends playing music.

Ms. Johnson was home for most of the day, every day. Because the house has only one floor, she was always on the same level as Sage. Both she and Mr. Gordon testified that she had access to the garage and sometimes went into it.

On the basis of common knowledge and experience of how dogs behave, as well as Mr. Gordon's testimony, the jurors could certainly infer that Sage sometimes barked while she was confined in the garage, where she spent most of her time. When asked whether Sage would sometimes bark, Mr. Gordon answered, "All dogs bark." His answer, though technically incorrect as to "all" dogs, is an implicit concession that Sage would bark. Later, he said that he was "sure" that Sage barked. "She's a dog," he added.

It would be more precise to describe Sage as an extremely aggressive dog. Mr. Gordon said that, after Sage ran out to attack Ms. Ogunde and the small dog and child who were accompanying her, he had to "wrestle" with her, and she suffered some injuries when he subdued her. Just after the attack, he told Ms. Ogunde, "She's done it again" and, "This is the third time that this has happened." Indeed, the evidence showed that a few weeks earlier Sage had leaped out of the window of Mr. Gordon's car to attack another dog. On another occasion, Sage had attacked a dog that came close to her puppies.

I do not contend that Ms. Johnson was aware of the earlier incidents or of Sage's

vicious propensities. Hence I do not contend that she is liable for Ms. Ogunde's injuries under the common-law principles stated in *Matthews v. Amberwood Associates Ltd. Partnership*, 351 Md. 544 (1998). In my view, however, a jury could easily find that Ms. Johnson was aware of the large, aggressive animal that lived for up to six weeks in an enclosed space in her house, only a few feet from her own living area. The jury could, therefore, find that Ms. Johnson "harbor[ed]" Sage, within the meaning of § 3-101(a)(5) and § 3-101(a)(57)(B) of the Prince George's County Code, because she permitted her tenant to feed or shelter the dog on her premises notwithstanding her right under the lease to expel the animal. The jury could, therefore, find that Ms. Johnson qualified as an "owner" who was strictly liable for Sage's conduct under § 3-135(c) of the Prince George's County Code.

In this regard, I note that Ms. Johnson seems to be the only resident of her house who was unaware of Sage's presence. According to Mr. Gordon, Ms. Johnson's "friend" or "roommate," "Chuck," emerged from the house to see what happened after Sage had attacked Ms. Ogunde and her small dog. Mr. Gordon could not recall whether Chuck expressed surprise at seeing Sage and her victims. Because one might reasonably expect some memorable expression of shock or surprise had Chuck really just learned of the presence of this aggressive, 70-pound beast, the jury could reasonably have found that he was not at all surprised, and that he and Ms. Johnson were both aware that the dog was residing in Mr. Gordon's garage apartment.

There is more. Ms. Johnson knew about the Pomeranian that Mr. Gordon and his

ex-girlfriend had before he got Sage. Ms. Johnson also knew about Bane, the American Bulldog puppy that Mr. Gordon got after he returned Sage to Ms. Maioriello. In my view, the jury could reasonably question how Ms. Gordon was unaware only of the one dog that had injured someone.

It is certainly possible that Ms. Johnson somehow failed to notice that an aggressive, 70-pound dog had been living under her roof for four to six weeks. Even though common knowledge dictates that the dog had to be taken out of the garage to relieve itself several times a day (and night) over the course of that period, it is also theoretically possible that she never noticed that any such thing was happening. The jury, however, was by no means compelled to conclude that those were the only possibilities on the evidence before it.

I agree with the majority that the jury's disbelief of Mr. Gordon's and Ms. Johnson's self-serving denials does not amount to affirmative evidence of Ms. Johnson's awareness of Sage's presence – though Mr. Gordon was impeached so thoroughly that the jury would certainly have been free to disregard virtually anything he said. I disagree, however, with the majority's conclusion that Ms. Ogunde came forward with no admissible evidence to support her contention that Ms. Johnson "harbor[ed]" Sage by permitting her tenant to feed and shelter him (in violation of the lease) and, thus, that she is strictly liable as Sage's "owner" under the Prince George's County Code. The evidence, although circumstantial, was, in my view, more than sufficient to support a verdict in Ms. Ogunde's favor. For that reason, I would conclude that the circuit court

erred in granting Ms. Johnson's motion for judgment notwithstanding the verdict.